S.B.CRIMINAL MISC. BAIL APPLICATION NO.2620/06

Date : 07.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. P.K. Sharma for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel for the applicant is that a false case has been foisted against the accused applicant. He submits that it is also not clear whether the deceased committed suicide himself or poisoned was administered by someone else. He submits that in this regard statements are available that go to show that before the incident the deceased along with one took liquor and prior taking liquor some pesticide (Rogor) was purchased from the shop of Virendra Singh. He further submits that the allegation that the applicant threatened also prima facie does

not prove for the reason that against Om Puri a complaint was lodged by the applicant himself for which under Section 107 Cr.P.C. proceedings were initiated, therefore, a conclusion cannot be drawn that the applicant has threatened him.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the statements recorded under Section 164 Cr.P.c. of Virendra Singh, and Virendra Singh and perused the case diary.

Taking into consideration the overall facts and circumstances of the present case, I think it just and proper to grant anticipatory bail to the applicant. Accordingly, it is directed that in the event of arrest of applicant Mukesh Kumar son of Tara Chand by I.O./S.H.O. in FIR No.39/2006 P.S. Reodar, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound

and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.